

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MINING PROJECT WIND DOWN HOLDINGS,
INC. (f/k/a Compute North Holdings, Inc.), *et al.*,

Debtors.¹

Chapter 11

Case No. 22-90273 (MI)

(Jointly Administered)

Emergency relief has been requested. Relief is requested not later than 5:00 p.m. on June 8, 2023.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

JOINT EMERGENCY MOTION REQUESTING MEDIATION

Tribolet Advisors LLC, in its capacity as Plan Administrator (“Plan Administrator”) in the above-captioned bankruptcy cases (the “Cases”), and Atlas Technology Group, LLC (“Atlas” and,

¹ The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor’s federal tax identification number, include: Mining Project Wind Down Holdings, Inc. (f/k/a Compute North Holdings, Inc.) (4534); Mining Project Wind Down LLC (f/k/a Compute North LLC) (7185); Mining Project Wind Down Corpus Christi LLC (f/k/a CN Corpus Christi LLC) (5551); Mining Project Wind Down Atoka LLC (f/k/a CN Atoka LLC) (4384); Mining Project Wind Down BS LLC (f/k/a CN Big Spring LLC) (4397); Mining Project Wind Down Colorado Bend LLC (f/k/a CN Colorado Bend LLC) (4610); Mining Project Wind Down Developments LLC (f/k/a CN Developments LLC) (2570); Mining Project Wind Down Equipment LLC (f/k/a CN Equipment LLC) (6885); Mining Project Wind Down King Mountain LLC (f/k/a CN King Mountain LLC) (7190); Mining Project Wind Down MDN LLC (f/k/a CN Minden LLC) (3722); Mining Project Wind Down Mining LLC (f/k/a CN Mining LLC) (5223); Mining Project Wind Down Pledgor LLC (f/k/a CN Pledgor LLC) (9871); Mining Project Wind Down Member LLC (f/k/a Compute North Member LLC) (8639); Mining Project Wind Down NC08 LLC (f/k/a Compute North NC08 LLC) (8069); Mining Project Wind Down NY09 LLC (f/k/a Compute North NY09 LLC) (5453); Mining Project Wind Down STHDAK LLC (f/k/a Compute North SD, LLC) (1501); Mining Project Wind Down Texas LLC (f/k/a Compute North Texas LLC) (1883); Mining Project Wind Down TX06 LLC (f/k/a ComputeNorth TX06 LLC) (5921); and Mining Project Wind Down TX10 LLC (f/k/a Compute North TX10 LLC) (4238). The Reorganized Debtors’ service address for the purposes of these chapter 11 cases is 2305A Elmen Street, Houston, TX 77019.

together with the Plan Administrator, the “Parties”), hereby petition the Court to grant the following relief:

1. On September 22, 2022 (the “Petition Date”), the Debtors in the above-captioned bankruptcy cases filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”). The Debtors’ Cases are being jointly administered for procedural purposes only pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Bankruptcy Local Rules for the United States Bankruptcy Court for the Southern District of Texas.

2. On January 19, 2023, the Debtors filed the *Adversary Complaint for Breach of Contract and Turnover Pursuant to 11 U.S.C. § 542(b)* (the “Adversary Complaint”) [ECF No. 842] against Atlas.

3. On March 15, 2023, Atlas filed the *Atlas Technology Group LLC’s Motions for (I) Leave to Amend Its Proof of Claim and (II) Relief From (A) the Automatic Stay and (B) the Injunctive Provision of Section 9.6 of the Debtors’ Plan* (the “POC Amendment Motion”) [ECF No. 1062] against the Debtors.

4. On April 19, 2023, the Plan Administrator filed the *Objection of the Plan Administrator and Litigation Trustee to Atlas Technology Group LLC’s Motions for (I) Leave to Amend Its Proof of Claim and (II) Relief From (A) the Automatic Stay and (B) the Injunctive Provision of Section 9.6 of the Debtors’ Plan* (the “Objection”) [ECF No. 1102] to Atlas’ POC Amendment Motion.

5. On April 26, 2023, Atlas filed the *Atlas Technology Group LLC’s Reply to the Plan Administrator and Litigation Trustee’s Objection to Atlas’ Motions for (I) Leave to Amend Its*

Proof of Claim and (II) Relief From (A) the Automatic Stay and (B) the Injunctive Provision of Section 9.6 of the Debtors' Plan (the "Reply") [ECF No. 1106] to the Objection.

6. On May 15, 2023, the Court held a hearing on Atlas' POC Amendment Motion and determined that additional briefing was necessary and set an evidentiary hearing for July 12, 2023, at 1:30 p.m. Central Time.

7. Following negotiations, the Parties have determined that mediation may be an efficient and effective mechanism to consensually resolve all issues relating to the Adversary Proceeding and the POC Amendment Motion (together, the "Mediation Issues").

8. The Parties hereby request to be sent to mediation before Judge David R. Jones of the Southern District of Texas Bankruptcy Court, or any other Judge in the Southern District of Texas Bankruptcy Court that may be available, and that all briefing schedules, deadlines and hearings related to the Adversary Proceeding and POC Amendment Motion be stayed pending the outcome of the mediation.

9. In the interest of convenience and efficiency, the Parties request the mediation be conducted via video or teleconference.

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WHEREFORE, the Parties respectfully request that the Court enter an order, substantially in the form attached hereto (a) appointing Judge David R. Jones of the Southern District of Texas Bankruptcy Court, or any other Judge in the Southern District of Texas Bankruptcy Court that may be available, as mediator to mediate the Mediation Issues, (b) staying all briefing schedules, deadlines and hearings related to the Adversary Proceeding and POC Amendment Motion, and (c) granting such other and further relief as the Court deems just and proper.

Dated: June 7, 2023
Dallas, Texas

Respectfully submitted,

/s/ Charles R. Gibbs
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– and –

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*Counsel to the Mining Project Wind Down
Holdings, Inc. Litigation Trust and the
Plan Administrator*

CERTIFICATE OF SERVICE

I hereby certify that, on June 7, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Charles R. Gibbs

Charles R. Gibbs